IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.A.NO. 470 /2003

Division Bench

APPELLANT CLAIMENT : Madan Prasad Tiwari, S/O Shri Har Prasad Tiwari, aged about 24 years, Occupation - Labour R/O Selegaon, Post Korar, Thana Charama, Tahsil Bhanupratappur Distt. Kanker (C.G.)

VERSUS

RESPONDENTS :

1) Sant Ram S/O Banshiram Gond, Cast Gond, Occupation- Vehicle Driver, R/O Village Dumarkot Thana Charama, Tahsil Bhanupratappur, Distt. Kanker (C.G.)

2) Hemlal S/O Jhaduram Jain, aged about 32 years, Tracter Mahindra Owner, R/O Village Selegaon, (Korar) Thana Charama, Tahsil Bhanupratappur, Distt. Kanker (C.G.)

3) The New India Insurence Company Limited, G.E. Road, Power House Bhilai, Tahsil & Distt. Durg (C.G.)

P.R. No. 1136/03 Presented by Shri ... dated 05.05.03

MEMORANDUM OF APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT 1998.

(ARISING OUT OF AWARD DATED 16/01/2003 IN CLAIM CASE NO.40/2002 BETWEEN MADAN PRASAD TIWARI VERSUS SANTRAM BY ADDITIONAL JUDGE MOTOR ACCIDENT CLAIMS TRIBUNAL BALOD, DISTT. DURG (C.G.)

Contd...2

IN THE HIGH COURT OF CHHATTISGARH; BILASPUR

(LOK ADALAT)

(19)

MISCELLANEOUS APEAL NO. 470/2003

Appellant: Madan Prasad Tiwari

Versus

Respondents: Santram and others.

(Arising out of Claim Case No. 40/2002)

04/11/2006

Shri Vivek Rathore, counsel for the appellant.

None for respondents No. 1 & 2.

Shri K.L. Daswani, Divisional Manager, New India Insurance Company Limited with Shri Sudhir Agrawal, counsel for respondent No. 3.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.3 shall pay Rs.50,000/- (Rupees Fifty Thousand Only) to the appellant.
2) For disbursement and deposit in FDR, the direction and ratio adopted by the Tribunal, if any, shall follow.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellant shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondents No. 1 & 2 stands dismissed.
6) Out of the above amount, Rs.500/- (Rupees five hundred only) shall be paid to counsel for the appellant directly by the Insurance Company towards counsel fee.
7) Copy of the award shall be given to the parties free of cost.

Sd/-
(Justice Vijay Kumar Shrivastava)
High Court of Chhattisgarh
Bilaspur

Sd/-
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur

Raju